

**Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, March 21, 2005
4:30 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 4:30 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Patricia Albers to 4:30 p.m. in Room B-8 due to a lack of quorum.

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:30 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper, Sullivan (arrived at 4:37 p.m.), Hardy, Green (arrived at 4:35 p.m.),
Bohr, Cook

Absent: None

The City Clerk Announced a Late Communication

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced a Late Communication regarding an agenda item that had been received by her office following distribution of the agenda packet:

Communication submitted by Director of Economic Development David C. Biggs dated March 21, 2005 and titled *Late Communication – Study Session Item Edinger Corridor*, which included a copy of a PowerPoint report, an area map, and a summary of community workshops.

(City Council) Study Session Held – Presentation Made by the Economic Development Department Regarding Edinger Corridor Specific Plan No. 14 Including Anticipated Schedule (460.10)

Economic Development Director David Biggs gave a PowerPoint report titled *Late Communication – Study Session Item Edinger Corridor* conveying the background of the project, the contract/scope of work, the geographic boundaries, the planning/environmental benefits, the public infrastructure benefits, the implementation/finance benefits, the workshops, and lastly the current status of the project. Planning Manager Scott Hess gave an update on the timeline for approval based on a request.

Discussion followed amongst Council and staff relative to collaboration with a neighboring city, water issues, parking space requirements, "form based" code used by other cities, the dissemination of information to the public, and redevelopment area plan exceptions.

Mayor Hardy voiced her approval that the topic has returned for Council consideration.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Coerper to recess to Closed Session on the following items. The motion carried by consensus of all present, none absent.

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **City of Huntington Beach v. Huntington Beach Police Officers Association**; United States District Court Case No. SA 01-1125 JVS, and **Scottsdale Insurance Company v. Huntington Beach Police Officers Association**, and the related counterclaim, **American States Insurance v. City of Huntington Beach**, United States District Court Case No. SA 03-1143 JVS. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **PMA, FMA, MSOA, SCLEA, HBFA and Non-Associated**. **Subject:** Labor Relations – Meet & Confer. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its City Attorney regarding pending litigation. (Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.) Number of Potential Cases: 1-450. **Subject: Potential Litigation.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:00 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

Absent: None

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on March 21, 2005 Pursuant to Government Code §54957.1(a) (2) Regarding City of Huntington Beach v. Huntington Beach Police Officers Association; United States District Court Case No. SA 01-1125 JVS, and Scottsdale Insurance Company v. Huntington Beach Police Officers Association, and the related counterclaim, American States Insurance v. City of Huntington Beach, United States District Court Case No. SA 03-1143 JVS (120.80)

City Attorney Jennifer McGrath reported that on Monday, March 21, 2005 the City Council convened in Closed Session to discuss the matter of City of Huntington Beach v. Huntington Beach Police Officers Association; United States District Court Case No. SA 01-1125 JVS, and

Scottsdale Insurance Company v. Huntington Beach Police Officers Association, and the related counterclaim, American States Insurance v. City of Huntington Beach, United States District Court Case No. SA 03-1143 JVS. A settlement was authorized as follows: Cities of Cypress, Westminster, Fountain Valley, Orange, and Costa Mesa in the amount of \$8,500.00 each. Silverado Sportsman Club in the amount of \$7,500.00. Yava Pai Firearms Academy, Ltd. in the amount of \$2,800.00.

Flag Ceremony and Pledge of Allegiance – Led by Post 558 Infantry Explorers from Los Alamitos High School.

Invocation – Led by Maria Khani from the Islamic Center of Orange County.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Councilmember Cathy Green, undated, titled *The New 22*, which is a packet of information detailing the Garden Grove Freeway (SR-22) Improvement Project.

Communication submitted by Joyce Riddell, President of the Huntington Beach Chamber of Commerce dated March 11, 2005 titled *Land Use Change to Allow Timeshares in Districts 7 & 9 of the Downtown Specific Plan (DTSP)* supporting proposed changes to land use regulations that would allow timeshare development.

Communication submitted by the Acting Director of Public Works dated March 21, 2005 titled *Good Shepherd Cemetery Drainage Concerns Related to Proposed Expansion*, including copies of photographs illustrating drainage concerns.

Communication submitted by the Planning Department dated March 21, 2005 titled *Nautical North Modifications to Slopes*, which is a PowerPoint presentation.

Communication submitted by Steve Stafford dated March 21, 2005 titled *Agenda Item E-12* requesting the item be pulled from Agenda.

Communication submitted by Andy Holguin, President of Pearl Island Homeowners Association dated March 21, 2005, untitled, stating his concerns relating to the housing community of Pearl Island Court (tract 15943).

Communication submitted by Penelope Culbreth-Graft, City Administrator dated March 18, 2005 titled *Late Communication – Personnel Commission Comments; March 21, 2005 City Council Agenda Item #F2* forwarding Personnel Commissioner Taylor's comments on proposed changes to the city-wide table of organization.

Communication submitted by Administration dated March 17, 2005 titled *Exhibit B Non-Associated Salary Schedule Effective September 24, 2005* which is a replacement for agenda packet page number F-3.92.

Communication submitted by Administration dated March 17, 2005 titled *Proposed NA Contract* adding four pages to Attachment #1 of Agenda Item F3 that were inadvertently omitted from being submitted for the agenda packet.

Communication submitted by Fire Chief Duane Olson dated March 21, 2005 titled *Late Communication – Item F-7, March 21, 2005 “Adopt Automatic Aid agreement for exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority and Agreement for Sunset Beach”* replacing page 3 of Attachment #2 in the agreement amending the amount OCFA pays the City from \$5,000.00 to \$8,000.00.

Communication submitted by Norm Firecracker Westwell dated March 21, 2005 titled *RV Issue – No vote urged.*

Communication submitted by the Planning Department dated March 21, 2005 titled *Available Medical Marijuana Dispensary Sites* indicating areas for possible sites for dispensaries.

Presentation: Mayor Jill Hardy called on June Dugmore from the Huntington Beach Chamber of Commerce Women of Action who introduced Miss Huntington Beach 2005 and her court. Ms. Dugmore introduced Queen Nicole Smith and court members Summer Maue and Amber Fisher. Mayor Hardy presented each with a proclamation.

Mayor’s Award: Mayor Jill Hardy and Police Chief Ken Small posthumously recognized Senior Motor Officer Mark Hanson as the recipient of the Mayor’s Award. Chief Small shared stories of the late Officer’s involvement with citizens and the community. Officer Hanson’s coworkers gathered in his honor while a slide show of photographs was shown.

Public Comments

Connie Pedenko, Surf City Kiwanis President, spoke about the many activities of the Kiwanis, including fundraising. She announced that Bunny Grams are available through Saturday at a cost of \$20 each and orders may be placed by calling 714-235-7550. Ms. Pedenko also invited visitors to the Kiwanis meetings held at the IHOP Restaurant on Beach Boulevard, (between Garfield and Ellis Avenues) on Tuesdays at 7:30 a.m.

Tom Harman, State Assemblyman, spoke regarding the agenda item that addresses the proposed sponsorship of the Marine Battalion and the impetus for its request. Assemblyman Harman cited the success Newport Beach experienced with their sponsorship and thanked Councilmember Coerper for his efforts in bringing the item to Council.

Steve Ray identified himself as a former marine and spoke regarding the importance of supporting our troops. Mr. Ray encouraged Council to adopt the Third Battalion, First Marine (“3/1”) Regiment and announced that Major Clark Watson and First Sergeant Mark O’Laughlin were present in the audience.

Marine First Sergeant Mark O’Laughlin, member of the “3/1” Regiment announced events Marines shared with Newport Beach, and his eagerness to be involved with Huntington Beach.

Major Clark Watson gave a brief history of the Third Battalion, First Marine Regiment and its activities. Major Watson mentioned the casualties in Iraq and voiced his support of the City’s proposed sponsorship of the Marine Battalion.

Tim Sloat asserted his opinion that the proposal for City's adoption of the Marine Battalion has great value for both parties concerned. Mr. Sloat conveyed a message from the Commanding General of the First Marine Division in Iraq, expressing appreciation for the City's potential adoption of the Battalion.

Councilmember Cook announced the website, "anysoldier.com", as a resource for those interested in supporting soldiers.

Cadet Mark Hogan, on behalf of the U.S. Military Academy at West Point, spoke of the successful graduates of the Academy and the efforts required to attend. Mr. Hogan encouraged interested applicants to contact Councilmember Coerper for further information.

Dennis Bauer, Commander of the Huntington Beach American Legion Post 133, spoke in support of the proposed sponsorship of the Marine Battalion. Mr. Bauer also reported on the Consent Calendar item - Pier Plaza Flagpole Project - and drew attention to the many veterans in the audience.

Public Comments Recessed

A motion was made by Sullivan, second Bohr to recess Public Comments and bring forward the agenda item that addresses the proposed sponsorship of the Marine Battalion. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Approved Sponsorship by the City of the 3rd Battalion, 1st Marines ("3/1") Regiment of Camp Pendleton – Directed the City Administrator to Establish a Donation Account to Support the Battalion - Appointed Councilmembers Gil Coerper, Cathy Green and Dave Sullivan to Coordinate the Program – "3/1" Key Volunteer Network to Coordinate with Families (160.10)

The City Council considered a communication from Councilmember Gil Coerper transmitting the following **Statement of Issue**: I was asked by Assemblyman Tom Harman to meet with him and a small group of individuals to discuss the possibility of the City of Huntington Beach being a sponsor of a Marine Battalion.

ANALYSIS:

The idea of sponsorship has been used in other cities to provide a way that a local community can support our military and their families. The proposal is for the City of Huntington Beach to adopt the 3rd Battalion of the 1st Marines from Camp Pendleton. The City of Newport Beach previously adopted the 1st Battalion of the 1st Marines from the same base. The role that the city would play, if approved by the Council, would be to formally declare its sponsorship or adoption of the Battalion and provide a collection and distribution point for funds that would be made to support the Battalion. In the case of the city of Newport Beach, the city provides the accounting and banking functions for donations and works with a community group of representatives who oversee the needs of the Battalion. Newport's program has helped with car repairs of the spouse of a Marine while the Marine was in active service, linked local doctors with special physical needs resulting from war

injuries, assisted with travel expenses when there was a death in the family of a Marine assigned to active duty, and helped with minor household expenses in cases of emergencies. Other activities have included sponsored dinners or community events to host the Marines and their families.

Through this program, the community also benefits from the sponsorship. For example, the Marines participate in voluntary activities in their city. In one case, Marines from the sponsored Battalion work with children with disabilities. Finally, it was mentioned that the Marines participate in local events such as parades and other festive occasions.

I would like to propose that the City Council formally adopt the 3rd Battalion, 1st Marines and request that the City Administrator be directed to establish an account to receive and disburse cash donations that would be received from the public on behalf of this program. I believe that a community effort should be taken to conduct the program and would suggest that I be allowed to represent the city in working with interested members of the public to move this sponsorship forward.

Councilmember Coerper gave an oral report.

Discussion ensued amongst Council and staff relative to establishment of the donation account and disbursement decisions. Councilmember Coerper requested public comments speaker Tim Sloat address these topics.

Mr. Sloat reported on practices in another city including the composition of the committee, the type of organization formed for legal and accounting purposes, and the procedure followed for disbursement of funds.

Councilmember Cook stated her support of the item and her concerns with the accounting.

A motion was made by Coerper, second Green to:

1. The City of Huntington Beach formally adopt the 3rd Battalion, 1st Marines of Camp Pendleton;

and

2. Direct the City Administrator to establish a donation account to receive and disburse cash donations;

and

3. Appoint Councilman Coerper and any other interested Council Members to work with interested members of the public in coordinating this program;

and

4. Direct appointed Councilmembers to work with the Marine Battalion "3/1" Key Volunteer Network in coordinating the community relations with the families.

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook

NOES: None

ABSENT: None

After the vote was taken and the motion was approved, Mayor Hardy appointed Councilmembers Coerper, Green and Sullivan as Council Liaisons.

Public Comments – Reconvened

Pat Davis, representing Bolsa Chica Conservancy, announced the 2005 Conservator of the Year awarded to Dr. Louann Murray. She invited everyone to a fundraiser luncheon at 11:30 a.m. on April 14, 2005 at the Waterfront Hilton. Ms. Davis announced that the price is \$55 per person and sponsorships are still available.

Pam Parker spoke regarding an attack her daughter witnessed in Huntington Beach and a delayed response to a 911 call. She alleged police under-staffing is the fault of the City Council. Ms. Parker asked the Council for answers and reiterated her daughters' trauma from waiting on the phone for so long for a response.

Dean Albright identified himself as a timeshare owner and asked Council how a timeshare purchaser can receive the deed and pay taxes if the City already owns the deeds for certain properties. Mr. Albright also voiced his support regarding military families and their struggles.

Councilmember Cook announced that the City of Huntington Beach pays employees who are military reservists while they are on active duty.

Steve Stafford spoke regarding the agenda item that addresses Securities and the Guarantee and Warranty Bond for Tract No. 15943, asking why the bonds are being released. Mr. Stafford voiced concerns and referred to his Late Communication, which was announced earlier by the City Clerk.

Erik Eichler spoke regarding the proposed Medical Marijuana Dispensary Ordinance. He stated his understanding of the concerns and enumerated suggestions to mitigate potential problems. Mr. Eichler announced his intention to submit an application to operate a dispensary.

Paul Cross urged Council to deny approval of timeshares in Huntington Beach. Mr. Cross enumerated concerns that, in his opinion, make this use incompatible with the characteristics and some special events held in the City.

(City Council) Update Given and Video Presentation Made by Councilmember Cathy Green on Current Projects and Activities of the Orange County Transportation Authority (OCTA) Including the State Route 22 Improvement Project (800.45)

Councilmember Cathy Green provided a verbal update on current projects and activities of the Orange County Transportation Authority and presented a video update on the State Route 22 improvement project provided to her as a member of the OCTA Board of Directors. She announced the website, www.octa.net/sr22 for more information.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's January 2005 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for January 2005.

City Treasurer Freidenrich gave a PowerPoint presentation titled *January Treasurer's Report*, which was included in the agenda packet.

A motion was made by Coerper, second Bohr to review and accept the monthly report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for January 2005*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Bohr, Cook
NOES: None
ABSENT: None (Green out of room)

(City Council) Public Hearing Held - Approved General Plan Amendment No. 03-03, Zoning Text Amendment No. 03-03 and Local Coastal Program Amendment No. 03-02 Downtown Specific Plan – Permitting Timeshares within Districts 7 and 9 (North Side of Pacific Coast Highway, between Beach Boulevard and First Street) – Applicant, Robert Mayer Corporation, - Adopted Resolution Numbers 2005-19 and 2005-20 - Approved for Introduction Ordinance No. 3702 (450.30)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following:

Applicant: Robert Mayer Corp., Shawn Milbern

Request: To amend the Huntington Beach General Plan Land Use Element, Huntington Beach Coastal Element (Local Coastal Program), and Downtown Specific Plan (DTSP) to permit “timeshares” as an allowed use subject to a conditional use permit from the Planning Commission within District 7 (Visitor-Serving Commercial) and District 9 (Commercial Recreation) of the Downtown Specific Plan.

Location: Downtown Specific Plan Districts 7 & 9 (north side of Pacific Coast Highway between Beach Blvd. and First Street.)

Environmental Status: Notice is hereby given that an initial environmental assessment for this agenda item was processed and completed in accordance with the California Environmental Quality Act. It was determined that although the proposed project could have a significant effect on the environment, because all potentially significant effects have been analyzed adequately in an earlier EIR No. 94-1 pursuant to applicable standards, and have been avoided or mitigated pursuant to that earlier EIR No. 94-1, nothing further is required. The environmental impact report is on file at the City of Huntington Beach and is available for public inspection.

Legal notice as provided to the City Clerk’s Office by staff had been published and posted.

Associate Planner Rosemary Medel presented a PowerPoint slide report titled *Timeshares GPA 03-03, LCP 03-02, ZTA 03-03 Applicant: The Robert Mayer Corporation Date: March 21, 2005* which was included in the agenda packet. Ms. Medel also referred to a Late Communication from the Chamber of Commerce that supports the staff & Planning Commission recommendations.

Discussion ensued amongst Council and staff relative to Coastal Commission approvals, property taxes and property values, assessor discounts, disposition upon lease expirations, development timelines, and master plan designations.

Mayor Hardy declared the public hearing open.

Prior to announcing the public speakers, City Clerk Joan L. Flynn restated for the record the following Late Communication which pertains to this public hearing:

Communication submitted by Joyce Riddell, President of the Huntington Beach Chamber of Commerce dated March 11, 2005 titled *Land Use Change to Allow Timeshares in Districts 7 & 9 of the Downtown Specific Plan (DTSP)* supporting proposed changes to land use regulations that would allow timeshare development.

Shawn Millbern, applicant, emphasized the added flexibility in developing hospitality projects if timeshares are approved. He enumerated the benefits to the City, and addressed inquiries that had been made by Council earlier.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Councilmember Cook stated reasons for opposing approval of the item including concerns about the language of the proposal and the substitution of hotel rooms to fulfill timeshare percentages.

A motion was made by Hansen, second Coerper to:

1. Approve General Plan Amendment No 03-03 by adopting **Resolution No. 2005-19** – “A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 03-03”,

and

2. Approve Zoning Text Amendment No. 03-03 with findings and after the City Clerk reads by title, approve for introduction **Ordinance No. 3702** – “An Ordinance of the City of Huntington Beach Amending the Downtown Specific Plan of the City of Huntington Beach”;

and

3. Approve Local Coastal Program Amendment No. 03-02 with findings and adopt **Resolution No. 2005-20** – “A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 03-02 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Permit Timeshares in the Commercial Visitor Land Use Category and to Reflect Zoning Text Amendment No. 03-03 and Requesting Certification by the California Coastal Commission.”

The motion carried by the following roll call vote:

AYES:	Hansen, Coerper, Hardy, Green, Bohr
NOES:	Sullivan, Cook
ABSENT:	None

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 03-03:

1. Zoning Text Amendment No. 03-03 to amend the Downtown Specific Plan, specifically Districts 7 and 9, to include timeshares as a permitted use and add a definition of timeshares is consistent with the objectives, policies, general land uses and programs specified in the General Plan because the achievement of diverse land uses will sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for the zoning district for which it is proposed. Districts 7 and 9 currently allow for hotels, and timeshares are permitted in the Commercial Visitor and Commercial General districts elsewhere in the City. Timeshares are a visitor-serving use that is compatible within hotels and visitor serving areas.
3. A community need is demonstrated for the change proposed. The allowance of timeshares in the Downtown Specific Plan will strengthen and diversify the economic base of the City's primary tourist node. Further, an adequate and substantial availability of overnight transient accommodations has been shown to exist within the City providing adequate access to the coastal area. Also, an increase in such accommodations is reasonably expected to occur in the future that will accommodate growth in the number of visitors to the City's coastal zone.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. Timeshares are very similar in use to hotels, which are already a permitted use. The allowance of timeshares will not result in any negative impacts to the community or adjacent uses.

FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM NO. 03-02:

1. Local Coastal Program Amendment No. 03-02 amends the City's certified Local Coastal Program to allow timeshares in the Commercial Visitor Land Use Category and within Subareas 4C and 4D, change the reference to overnight accommodations in the Commercial General Land Use Category to reflect hotels, motels and timeshares and in accord with Zoning Text Amendment No. 03-03 to allow timeshares within Districts 7 and 9 of the Downtown Specific Plan. The change is consistent with the Local Coastal Program because timeshares are similar to the hotel use that is already permitted within these areas.
2. Local Coastal Program Amendment No. 03-02 is in accordance with the policies, standards and provisions of the California Coastal Act by enhancing the variety of visitor serving uses and increasing the tourism potential from a larger market base.
3. The amendments conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because timeshares are a visitor serving use subject to the amenity standards of hotels and required to maintain public access to coastal recreation uses.

(City Council) Public Hearing Held – Approved Appeal Filed by Applicant Mike Padian, Padian Team Consulting, of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 - Good Shepherd Cemetery, 8301 Talbert Avenue (N/E Corner of Beach Boulevard and Talbert Avenue) - Approved as Amended Mitigation Negative Declaration No. 03-08 with Findings and Modified Mitigation Measures (2:1 Slopes) (420.40)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following:

Public Hearing to consider appeal of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 (Good Shepherd Cemetery).

Appellant/Applicant: Mike Padian

Request: To analyze the potential environmental impacts associated with a proposed expansion of Good Shepherd Cemetery. The expansion includes three phases of construction over a seven to ten year period. The proposed improvements consist of an 85,000 square foot three-story mausoleum, a 10,000 square foot maintenance facility, one-story garden crypt buildings totaling 100,000 square feet, and construction of approximately 1,850 lineal feet of perimeter fencing.

Location: 8301 Talbert Avenue (northeast corner of Beach Blvd. and Talbert Ave.)

Environmental Status: Notice is hereby given that the initial environmental assessment for this item was processed and completed in accordance with the California Environmental Quality Act. It was determined that this item, with mitigation, would not have any significant environmental effects and that a mitigated negative declaration is warranted. Mitigated Negative Declaration No. 03-08 is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Associate Planner Paul DaVeiga presented a PowerPoint slide report titled *Good Shepherd Cemetery Expansion Appeal of Mitigated Negative Declaration No. 03-08*, which was included in the agenda packet.

Discussion followed relative to setbacks, fencing, slope design, vertical wall maintenance concerns and easements.

Mayor Hardy declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the following Late Communication which pertains to this public hearing:

Communication submitted by the Acting Director of Public Works dated March 21, 2005 titled *Good Shepherd Cemetery Drainage Concerns Related to Proposed Expansion*, including copies of photographs illustrating drainage concerns.

Mike Padian, applicant, spoke about issues that have been resolved in relation to design requirements including fire sprinklers, irrigation, and phasing.

Joe Novoa, Director of Construction Services for the Diocese of Orange, reported on the design of the detention basins. He stated his preference for a vertical slope, noting that a 2:1 slope starting at the property line would be acceptable if a vertical slope were denied. Mr. Novoa further stated a preference that relocation of the storm drain pipe under the mausoleum be delayed until there is a problem that requires remedy.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Hansen, second Green to approve staff recommendation - Mitigation Negative Declaration No. 03-08 with Findings and Modified Mitigation Measures (2:1 slopes) **as amended** to allow slope to begin at the property line and for applicant to return to **Council** for a Conditional Use Permit (CUP) if requesting a fence that exceeds 42 inches in height within the setback along Newman Avenue. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr
 NOES: Cook
 ABSENT: None

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 03-08:

1. Mitigated Negative Declaration No. 03-08 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration and Conditional Use Permit No. 00-63.
2. Mitigation measures are recommended to avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated, will have a significant effect on the environment.

Summary of Mitigation Measures

Description of Impact	Mitigation Measure
Potential flooding downstream caused by the elimination of two natural drainage swales with the proposed project	1) On-site water detention basins shall be incorporated into the site design to temporarily detain runoff on the subject site. a) Historical volumes using cross-sectional areas that are perpendicular to the longitudinal (N-S) centerline of each historical basin shall be calculated to identify the size of on-site water detention basins. b) The design of the detention basins shall provide for earthen slopes not to exceed a 2:1 slope ratio.
Inadequate design of detention facilities may result in a lack of storage capacity and future maintenance issues	2) All easements, storm drains, and detention facilities shall be designed per City and applicable County standards and approved by the Public Works Department.

(City Council) Public Hearing Held - Denied Application Filed by Fred Tinker of Entitlement Plan Amendment No. 04-08 (Nautical North Residential Development – Rear Slope Modifications for Four Lots: 6454, 6455, 6464 and 6465 Marigayle Circle (Located at the Terminus of Marigayle Circle, West of Edwards Street, South of Ellis Avenue) (420.40)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following:

Applicant: Fred Tinker

Request: To amend the previously approved site plan by permitting modifications to rear slopes on four lots located at the terminus of Marigayle Circle. The modifications include construction of a five-foot high retaining wall topped with a one-foot block wall and two feet of view fencing in order to allow an extension of the usable rear yards ranging from approximately 12 feet to 30 feet in depth.

Location: 6454, 6455, 6464, and 6465 Marigayle Circle (Terminus of Marigayle Circle, south of Ellis Avenue)

Environmental Status: Notice is hereby given that this agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Associate Planner Paul DaVeiga presented a PowerPoint slide report titled *Nautical North Modifications To Slopes Entitlement Plan Amendment No. 04-08* which had been announced earlier as a Late Communication by the City Clerk.

Discussion ensued amongst Council and staff regarding retaining walls, the original plans for development of the property, and the location of the property lines and fences.

Mayor Hardy declared the public hearing open.

Prior to announcing the public speaker, the City Clerk restated for the record the following Late Communication which pertains to this public hearing:

Communication submitted by the Planning Department dated March 21, 2005 and titled *Nautical North Modifications to Slopes*, which is a PowerPoint presentation.

Fred Tinker, applicant, gave a summary of the requests in the proposal and announced his availability to answer questions.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Councilmembers Cook, Green, Hardy, and Sullivan all stated concerns and reasons for opposing any slope modifications.

A motion was made by Coerper, second Bohr to approve Entitlement Plan Amendment No. 04-08 to permit modifications to the rear slopes of four lots within the Nautical North development with findings and conditions of approval. The motion **failed** by the following roll call vote:

AYES: Hansen, Coerper, Bohr
NOES: Sullivan, Hardy, Green, Cook
ABSENT: None

A motion was made by Hardy, second Green to **deny** Entitlement Plan Amendment No. 04-08 to permit modifications to the rear slopes of four lots within the Nautical North development with **Findings for Denial**. The motion carried by the following roll call vote:

AYES: Sullivan, Hardy, Green, Cook
NOES: Hansen, Coerper, Bohr
ABSENT: None

FINDINGS FOR DENIAL ENTITLEMENT PLAN AMENDMENT NO. 04-08

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves a minor alteration to the topography of the subject properties.

FINDINGS FOR DENIAL – ENTITLEMENT PLAN AMENDMENT NO. 04-08:

1. Entitlement Plan Amendment No. 04-08 for modifications to the rear slopes of four single-family residential properties resulting in an increase ranging from approximately 30 feet to 12 feet of increased usable rear yards, will be detrimental to the general welfare of persons working or residing in the vicinity and detrimental to the value of the property and improvements in the neighborhood. The proposed modifications do not preserve the existing slope condition, which was the original intent of the slope restriction in the original approval of the project, and result in a negative impact to adjacent properties based on the potential instability of the slopes.
2. The granting of the entitlement plan amendment will adversely affect the General Plan. It is not consistent with the following goals and policies of the General Plan:
 - a. Promote site development that limits impact on and protects the natural integrity of topography, drainage systems, infiltration, and water bodies.

The project will significantly alter the natural topography along the rear of the four subject properties which is contrary to policies identified in the General Plan.

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council/Redevelopment Agency) Minutes

(City Council) Pier Plaza Flagpole Project Donated by the American Legion

(City Council) Bid and Construction Contract to R. J. Noble Company for the Police Department Parking Lot Expansion Project; CC-1271

(City Council) Resolution No. 2005-25 Requesting Caltrans Approve the Closure of Pacific Coast Highway for the Fourth of July Parade and Fireworks - Resolution No. 2005-26 Authorizing Local Street Closure for the Fourth of July -Additional Budget Allocation for Relocating the Fourth of July Fireworks to the Pier – Parking Revenue Surcharge – Partial Closure of Pier on the Fourth of July

(City Council) Release of Securities for Tract No. 15943 Located at the N/E Corner of Huntington Street and Garfield Avenue and Accept the Public Improvements – Sassounian, Adams and Zuckerman, LLC Developers – Guarantee and Warranty Bond (American Motorists Insurance Co.)

(City Council) Joint Agreement between the City and the Orange County Board of Supervisors for Implementation and Operation of the Voice/Radio System: 800 Megahertz Countywide Coordinated Communications System (800 MHz CCCS)

Consent Calendar – Items Approved

On motion by Sullivan, second Coerper Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Received and Filed the Fiscal Year 2003-04 Park Impact Fee Annual Report (310.10) – Received and filed the *Park Impact Fee Annual Report – Fiscal Year 2003-2004*. Submitted by the Community Services Director. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2005-18 Amending the City Classification Plan by Modifying Street Maintenance Crewleader, Firefighter and Senior Detention Officer (700.10) – Adopted **Resolution No. 2005-18** – “A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Modifying the Classification for Street Maintenance Crewleader, Firefighter and Senior Detention Officer in the City Classification Plan.” Submitted by the Acting Administrative Services Director. Funding Source: There is no fiscal impact to this action.

(City Council) Amended the Capital Improvement Program for Fiscal Year 2004/2005 by Adding Warner Avenue Fire Station Traffic Signal; CC-1264 – Authorized the Director of Public Works to Advertise for Bids (600.55) – **1.** Amended the Capital Improvement Program for Fiscal Year 2004/2005 to add the Warner Avenue Fire Station Traffic Signal; CC-1264; and **2.** Upon finalization of the project plans and specifications, authorized the Director of Public Works to request public bids for the construction of the Warner Avenue Fire Station Traffic Signal, CC-1264. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$150,000 are available in the Traffic Impact Fee Fund, Traffic Signals (#20690007.82700).

(City Council) Approved Transfer of Ownership of Signal Maintenance, Inc. (SMI) to Republic Electric (Slater Avenue/Geraldine Lane Traffic Signal – CC-1253) (600.55) – Approved the transfer of ownership from Signal Maintenance, Inc. to Republic Electric, which would allow the City to accept the warranty bond and release retention to Republic Electric. Submitted by the Acting Public Works Director. Funding Source: Not applicable.

(City Council) Approved the Annual Fair Share Traffic Impact Fee Program Report for Fiscal Year 2003/2004 (340.20) – Approved the *Traffic Impact Fee Program Fiscal Activity Summary 10/1/99 to 9/30/04*. Submitted by the Acting Public Works Director. Funding Source: No funding is required for this action.

(City Council) Adopted Resolution No. 2005-24 Extending Application of Administrative Regulation No. 412, Pertaining to Harassment in Employment Policy, to Elected and Appointed City Officials (120.10) – Adopted **Resolution No. 2005-24** – “A Resolution of the City Council of the City of Huntington Beach Extending Application of Administrative Regulation No. 412 Pertaining to Harassment in Employment Policy to Elected and Appointed City Officials.” Submitted by the Acting Administrative Services Director. Funding Source: Not applicable.

(City Council) Approved Final Tract Map No. 16573 of Tentative Tract Map No. 16573 (2320 Delaware 1 Lot Subdivision) Located East Side of Delaware Street, South of Yorktown Avenue – Approved Subdivision Agreement with Team Delaware, LLC (420.60) **1.** Approved Final Tract Map No. 16573 and accepted the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and **2.** Approved the *Subdivision Agreement By and Between the City of Huntington Beach and Team Delaware, LLC for Tract No. 16573* and authorized execution by the Mayor and City Clerk. **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 16573 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16573 Conditions of Approval, as approved by the Planning Commission. **Requirements: (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. 245832, (b) Labor and Material Bond No. 245895, (c) Monument Bond No. 245833. **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Approved Landscape License Agreement between the City and the Ocean View School District and Lowe’s Home Improvement Warehouse (HIW), Inc. for Continued Maintenance of Improvements within Public Right-of-Way Adjacent to the Development (8175 Warner Avenue) (600.10) – Approved and authorized the Mayor and City Clerk to execute the *License Agreement between the City of Huntington Beach, California, Ocean View School District of Orange County and Lowe’s HIW, Inc., to Maintain Landscaping within Certain Public Right of Way*. Submitted by the Acting Public Works Director. Funding Source: No funding is required for this action.

(City Council) Approved Emergency Response Agreement between the City and “The Agencies” (the California State Department of Parks and Recreation, the County of Orange and Designated Cities) for Exchange of Open Water Lifeguard Services (600.20) – Approved and authorized the Mayor and City Clerk to execute an Emergency Response Agreement with the California Department of Parks and Recreation, the County of Orange, the City of Laguna Beach, the Lake Mission Viejo Association, the City of Newport Beach, the City of San Clemente, and the City of Seal Beach, hereinafter referred to as “The Agencies.” Submitted by the Community Services Director. Funding Source: None required.

(City Council) Approved Two License Renewal Agreements between the City and Southern California Edison for Arevalos Park and Edison Park (600.10) – 1. Approved the proposed License Agreement with SCE for Arevalos Park, titled *License Agreement, Property No. POHBE858F62, Account No. 2145* and authorized the Mayor and City Clerk to execute all documents necessary to effectuate this transaction; and 2. Approved the proposed License Agreement with SCE for Edison Park, titled *License Agreement, Property No. POHBE888C21, Account No. 2150* and authorized the Mayor and City Clerk to execute all documents necessary to effectuate this transaction; and 3. Directed staff to prepare an amendment to the Municipal Code prohibiting dogs in SCE parkland areas. Submitted by the Economic Development Director and the Community Services Director. Funding Source: Total of \$1,648 annual payment (for five years) from the Park Acquisition and Development Fund (\$520 for Arevalos Park and \$1,128 for Edison Park).

(City Council) Accepted the Annual Sanitary Sewer Facilities Fund Report (1020.70) – Accepted the Annual Sanitary Sewer Facilities Fund Report for FY 2003/2004. Submitted by the Acting Public Works Director. Funding Source: No funding is required for this action.

(City Council/Redevelopment Agency) Approved and Adopted Minutes as Amended (120.65)

The City Council considered a communication from the City Clerk transmitting the following **Statement of Issue:** Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of February 22, 2005 and City Council Special Meeting of February 28, 2005 as written and on file in the Office of the City Clerk.

Councilmember Green requested that this agenda item be removed from the Consent Calendar to ask for an amendment to the February 22, 2005 minutes. She requested that the minutes show the reasons she voted “No” for paying the League of California Cities’ bill. Her reasons included: the payment was not due until April 13th, the audit is not finished, and an audit is required by the League’s bylaws annually.

A motion was made by Green, second Sullivan to approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of February 22, 2005 **as amended** and City Council Special Meeting of February 28, 2005 as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES:	Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES:	None
ABSENT:	None

(City Council) Accepted Pier Plaza Flagpole Project Donated by the American Legion (160.40)

The City Council considered a communication from the Community Services Director and the Acting Public Works Director transmitting the following **Statement of Issue:** Three new flagpoles have been constructed at Pier Plaza by the American Legion and donated to the city. Staff recommends accepting the donation and project as complete. Funding Source: Not applicable, donation from American Legion.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to comment on and highlight the significant fundraising done by American Legion 133.

A motion was made by Sullivan, second Coerper to accept the Pier Plaza flagpole project as completed by the American Legion and donated to the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Accepted Bid and Award Construction Contract to R. J. Noble Company for the Police Department Parking Lot Expansion Project; CC-1271 (600.80)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue**: Quotes have been received for the Police Parking Lot Expansion Project, CC-1271. Staff recommends the award to R.J. Noble Company, who submitted the lowest responsive and responsible quote. Funding Source: Funds are available from the Police Department Narcotic Forfeiture Fund Account No. 21470101.82200. The engineer's estimate for this project is \$20,000.00.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar and announced that he had already received clarification from the Police Chief.

A motion was made by Bohr, second Sullivan to: **1.** Accept the lowest responsive and responsible quote submitted by R. J. Noble Company, in the amount of \$24,970 for the Police Parking Lot Expansion Project, CC-1271; and **2.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the sample contract attached; and **3.** Authorize the Director of Public Works to expend up to twenty percent (20%) in construction change orders. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Adopted Resolution No. 2005-25 Requesting Caltrans Approve the Closure of Pacific Coast Highway for the Fourth of July Parade and Fireworks - Adopted Resolution No. 2005-26 Authorizing Local Street Closure for the Fourth of July -Approved Additional Budget Allocation for Relocating the Fourth of July Fireworks to the Pier – Approved Parking Revenue Surcharge – Approved Partial Closure of Pier on the Fourth of July (800.60)

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue**: On November 15, 2004, Council approved relocating the 2005 Fourth of July Fireworks to the Municipal Pier. There is a need to increase the existing budget to cover the additional costs of the relocation, address revenues to help offset costs, and approve road closure resolutions for the Fourth of July celebration. Funding Source: 4th of July Fund Reserves; funds to be replaced with revenues generated from event sponsorships, parking revenue, and participation fees.

Mayor Pro Tem Sullivan requested that this item be removed from the Consent Calendar to announce his concerns about closing the highway.

A motion was made by Bohr, second Cook to: **1. Adopt Resolution No. 2005-25** - "A Resolution of the City Council of the City of Huntington Beach Requesting Caltrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Fourth of July Parade and Fireworks"; and **2. Adopt Resolution No. 2005-26** - "A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July"; and **3.** Authorize an additional budget allocation of \$128,440 from the 4th of July Fund reserves to cover the additional costs of relocating the fireworks to the Pier as follows: \$51,570 into Overtime Accounts #20445803.53000; \$2,582 into Permanent Salaries Account #20445803.51000; \$1,598 into Temporary Salaries Account #20445803.52000; \$69,690 into Contractual Services Account #20445803.69450; and \$3,000 into #20445803.63000 for equipment and supplies; said costs to be offset by revenues generated by Fourth of July Executive Board and parking revenue surcharge; and **4.** Approve a \$10 surcharge to the daily parking fee for South Beach, and an \$8 surcharge to the daily parking fee for Pier Plaza parking lots on July 4, 2005, said surcharge to be used to help offset the extra Fourth of July costs. The daily public parking fees for the beach and Pier Plaza lots would be \$20 per auto; and **5.** Approve charging the Council-approved \$12 daily maximum fee at the Main Promenade Parking Structure upon entering, instead of the Council-approved \$1.50 per hour (\$12 maximum) upon exiting; and **6.** Approve partial closure of the Pier at 5:00 A.M. and full closure at 5:00 P.M., as well as use of a portion of the pier for a ticketed, VIP area from 5:00 P.M. until conclusion of the fireworks.

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Bohr, Cook
NOES: Sullivan, Green
ABSENT: None

(City Council) Approved the Release of Securities for Tract No. 15943 Located at the N/E Corner of Huntington Street and Garfield Avenue and Accepted the Public Improvements – Sassounian, Adams and Zuckerman, LLC Developers – Accepted Guarantee and Warranty Bond (American Motorists Insurance Co.) (420.60)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue:** Sassounian, Adams and Zuckerman, LLC., the developer of Tract No. 15943 (located at the northeast corner of Huntington Street and Garfield Avenue), has completed all required public improvements and is eligible to receive a release of securities pursuant to the provisions of the Subdivision Map Act. Funding Source: Not Applicable.

Mayor Hardy requested that this item be removed from the Consent Calendar to abstain from voting due to a potential conflict of interest.

Mayor Pro Tem Sullivan inquired regarding the Late Communication submitted by a public speaker, which had been announced by the City Clerk earlier. Acting Public Works Director Paul Emery responded.

A motion was made by Sullivan, second Coerper to: **1.** Accept the improvements constructed and dedicated for public use with Tract No. 15943; and **2.** Accept Guarantee and Warranty Bond No. 38904S, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **3.** Release the Faithful Performance/Labor and Material Bond No. 3SM 98831800 and Monument Bond No. 3SM98831900 pursuant to California Government Code Section No. 66499.7(a); and **4.** Instruct the City Clerk to notify the developer, Sassounian, Adams and Zuckerman, LLC., of this action, and the City Treasurer to notify the Surety, **American Motorists Insurance Company**, of this action; and **5.** Instruct the City Clerk to record the "Acceptance of Public Improvements" with the Orange County Recorder. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Green, Bohr, Cook
NOES: None
ABSENT: None
ABSTAIN: Hardy

(City Council) Approved Joint Agreement between the City and the Orange County Board of Supervisors for Implementation and Operation of the Voice/Radio System: 800 Megahertz Countywide Coordinated Communications System (800 MHz CCCS) (600.25)

The City Council considered a communication from the Acting Information Services Director transmitting the following **Statement of Issue:** In February 1996 the Orange County Board of Supervisors approved a Joint Agreement for implementation and operation of the Orange County 800 Megahertz Countywide Coordinated Communications System (800 MHz CCCS). During the past several months, the Governance Committee has directed its efforts to the full rewrite of the agreement which is attached for the City Council's consideration. Funding Source: There is no new funding obligation by approving this agreement; however, the financial obligation this year for Huntington Beach's share of the 800 MHz CCCS backbone cost is \$232,209.00, which has been approved by Council and budgeted in Account 10042155.67740.

Mayor Pro Tem Sullivan requested that this item be removed from the Consent Calendar to ask for clarification on costs. Police Chief Ken Small reported.

A motion was made by Sullivan, second Green to: approve and execute the Joint Agreement titled, *Joint Agreement for the Operation, Maintenance, and Financial Management of the Orange County 800 Megahertz Countywide Coordinated Communications System – November 2004* and authorize the Mayor and City Clerk to execute two copies of the Joint Agreement, one for the County Clerk and one original for the City Clerk's records. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Approved Staffing Priorities and Restoration of Critical Services and Positions by Amending the Fiscal Year 2004/05 Budget Table of Organization and Approved Appropriation from General Fund to Department Budgets Accordingly (700.10)

The City Council considered a communication from the City Administrator and Acting Assistant City Administrator, the Acting Administrative Services Director and the Finance Officer transmitting the following **Statement of Issue:** Should the City Council approve an appropriation of \$507,000 to

fund restoration of certain full-time and part-time positions through the end of Fiscal Year 2004/05? The annualized additional cost for these positions would be \$2,480,000 beginning in Fiscal Year 2005/06. Funding Source: General Fund appropriation from salary savings in the available General Fund balance.

City Administrator Penny Culbreth-Graft gave an oral report.

A motion was made by Coerper, second Bohr to: Approve restoring the positions listed in Attachment 2 of the RCA by amending the Fiscal Year 2004/05 Budget Table of Organization (Attachment 3 of RCA); appropriate \$507,000 from the General Fund to the following departmental budget accounts:

10035202	Administrative Services	\$48,000
10025101	City Treasurer	7,500
10025201	City Treasurer	7,500
10045206	Community Services	37,000
10065201	Fire	31,000
10065203	Fire	109,000
10050401	Library	15,500
10050402	Library	15,500
Not Applicable	Planning	0
10070302	Police	32,700
10070401	Police	83,300
10085602	Public Works	93,000
10085102	Public Works	27,000

and increase those department budgets for Fiscal Year 2004/05. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
 NOES: None
 ABSENT: None

(City Council) Approved Proposed Changes to the City-Wide Table of Organization Deleting the Positions of the Assistant City Administrator and Administrative Services Director - Approved Amendments to the Finance Officer and the Deputy City Administrator Job Descriptions and Pay Grades – Directed the City Administrator and the City Attorney to Prepare Amendments to the Municipal Code (700.10)

The City Council considered a communication from the City Administrator transmitting the following **Statement of Issue:** Changes to the city-wide Table of Organization are proposed to address overall city administration. The proposal recommends deletion of the Assistant City Administrator and Administrative Services Director positions and the addition of two Deputy City Administrators. It also would require changes in duties of the Finance Officer. The report outlines how the structure would function and provides justification for the proposed changes. Funding Source: Not Applicable.

City Administrator Culbreth-Graft presented a PowerPoint report.

A motion was made by Coerper, second Cook to:

1. Approve the proposed changes to the Table of Organization;

and

2. Approve the changes to the job description for the Finance Officer and set the Pay Grade at 622;

and

3. Approve the job description for the Deputy City Administrator and set the Pay Grade at 629;

and

4. Direct the City Administrator and the City Attorney to prepare the necessary changes to the Municipal Code.

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

Administrative Items Approved

City Administrator Penny Culbreth-Graft presented a PowerPoint report on the following four Pay and Benefits items.

Mayor Pro Tem Sullivan stated his opposition to an increase in holiday pay from 8 to 9 or 10 hours for a working day.

On motion by Coerper, second Green Council approved the following four agenda items and Resolutions, as recommended. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Green, Bohr, Cook
NOES: Sullivan
ABSENT: None

1. (City Council) Adopted as Amended by Late Communication Resolution No. 2005-23 Modifying Pay and Certain Benefits for the Period of January 1, 2005 through December 31, 2006 for Non-Represented (Non-Associated) Employees (720.20) Adopted as amended by Late Communication **Resolution No. 2005-23** – “A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees for the Period 1/1/05 Through 12/31/06.”

2. (City Council) Adopted Resolution No. 2005-21 Modifying Pay and Certain Benefits for the Period of January 1, 2005 through December 31, 2006 for the Elected City Treasurer (700.90) Adopted **Resolution No. 2005-21** – “A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for 1/1/05 Through 12/31/06 for the Elected City Treasurer.”

3. (City Council) Adopted Resolution No. 2005-27 Modifying Pay and Certain Benefits for the Period of January 1, 2005 through December 31, 2006 for the Elected City Clerk (700.90) Adopted **Resolution No. 2005-27** – “A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for 1/1/05 Through 12/31/06 for the Elected City Clerk.”

4. (City Council) Adopted Resolution No. 2005-22 Modifying Pay and Certain Benefits for the Period of January 1, 2005 through December 31, 2006 for the Elected City Attorney (700.90) Adopted **Resolution No. 2005-22** – “A Resolution of the City Council of the City of Huntington Beach Establishing Benefits for the Period 1/1/05 Through 12/31/06 for the Elected City Attorney.”

(City Council) Deferred from March 7, 2005 - Adopted Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority and Agreement as Amended by Late Communication for Sunset Beach and Approved Direction to Fire Chief to Report to Council Annually on Agreements (600.25)

The City Council considered a communication from the Fire Chief transmitting the following **Statement of Issue:** The attached agreement with the City of Huntington Beach and the Orange County Fire Authority for the exchange of fire, rescue, and emergency medical services is proposed for adoption, along with an agreement for advanced life support emergency medical services to the Sunset Beach area. Funding Source: None required. (The Automatic Aid agreement includes an MOU [Memoranda of Understanding] between the Orange County Fire Authority and the City of Huntington Beach.)

Fire Chief Duane Olsen gave an oral report.

A motion was made by Coerper, second Green to: Approve and authorize the Mayor and City Clerk to execute the *Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services Between the Orange County Fire Authority and the City of Huntington Beach* **and** approve the *Agreement* for advanced life support emergency medical services to the Sunset Beach area **as amended** by Late Communication replacing page 3 which amends the amount OCFA pays the City from \$5,000 to \$8,000 **and** approved direction to the Fire Chief to report to Council annually on how the program is working. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Adopted Ordinance No. 3699 Amending Section 10.44 of the Huntington Beach Municipal Code Regulating Parking Time Limits of Oversized Vehicles, Recreational Vehicles and Detached Trailers on City Streets (560.20)

Mayor Pro Tem Sullivan stated his opposition to the recommended action for reasons including the lack of a 72-hour permit limit.

After the City Clerk read by title, a motion was made by Hansen, second Bohr to adopt **Ordinance No. 3699** – *“An Ordinance of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Oversized Vehicle Parking.”* (Approved for introduction as amended on March 7, 2005.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Green, Bohr, Cook
NOES: Sullivan
ABSENT: None

(City Council) Adopted Emergency Ordinance No. 3703 Amending Huntington Beach Zoning and Subdivision Chapter 204 (Use Classifications) and Chapter 212 (Industrial Districts) to Include Regulation of Medical Marijuana Dispensaries (570.10)

The City Council considered communication from the City Attorney, the Police Chief and the Planning Director transmitting the following **Statement of Issue**: Whether or not to amend the Huntington Beach Zoning and Subdivision Ordinance regulating the establishment and operation of medical marijuana dispensaries.

Discussion ensued amongst Council and staff relative to possible locations for dispensaries, Supreme Court decisions and obtaining input from other sources including a League of California Cities subcommittee.

After the City Clerk read by title, a motion was made by Coerper, second Cook to adopt **Ordinance 3703** - *“An Emergency Ordinance of the City of Huntington Beach Amending Chapter 204 (Use Classifications) and Chapter 212 (Industrial Districts) of the Huntington Beach Zoning and Subdivision Ordinance to Include Medical Marijuana Dispensaries.”* The motion, requiring five affirmative votes carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Mayor Pro Tem Sullivan Commented on Tentative Upcoming Agenda Memo (120.85)

Mayor Pro Tem Sullivan commented on the Tentative Upcoming Agenda memo (which is a guideline used by staff for future meetings) suggesting that Council receive a hard copy of the memo weekly.

(City Council) Councilmember Coerper Stated Preference that Council Comments Occur at the Beginning of the Meeting (120.85)

Councilmember Gil Coerper announced that he prefers the Council Comments portion of the meeting to occur at the beginning.

(City Council) Mayor Hardy Commented on Agenda Item Order, Congratulated Eagle Scouts (120.85)

Mayor Jill Hardy announced her preference that the agenda item order remains as currently presented and congratulated new Eagle Scouts Dave and Pat from Troop 319 on their achievements.

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 10:45 p.m. to Monday, April 4, 2005, at 4:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach
and Clerk of the Redevelopment Agency
of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chair